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10-25-00  
MA

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOE KING,  
Petitioner

vs.

RAYMOND COLLERAN, Superintendent  
And ATTORNEY GENERAL OF  
PENNSYLVANIA,  
Respondents

CIVIL ACTION NO. 1:CV-00-1389  
(Judge Rambo)

**FILED**  
**HARRISBURG**

OCT 24 2000

MARY E. D'ANDREA, CLERK  
Per \_\_\_\_\_  
DEPUTY CLERK

**MOTION TO EXTEND TIME IN WHICH TO FILE ITS**  
**RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS**

TO THE HONORABLE SYLVIA H. RAMBO, UNITED STATES DISTRICT JUDGE:

AND NOW, comes Edward M. Marsico, Jr., District Attorney of Dauphin County, by Francis T. Chardo, Chief Deputy District Attorney, who, on behalf of the Respondent, files this motion to extend time in which to file its response to the petition for writ of habeas corpus, and in support thereof, avers the following:

1. The Petitioner, Joe King, has filed a petition for writ of habeas corpus with this Honorable Court.
2. This Honorable Court issued an Order dated October 4, 2000, directing the Respondents to respond to the allegations in the petition within twenty (20) days of the date of the Order.

3. The Respondents' answer is due on or before October 24, 2000.

4. The Respondents received the Order on October 13, 2000.

5. The undersigned has been preparing several briefs for the Superior Court of Pennsylvania, as well as an emergency answer to the Supreme Court of Pennsylvania in the case of Commonwealth v. Thomas Druce.


6. The instant petition involves issues of procedural default and the statute of limitations which will require additional inquiry on the part of the Respondents.

7. The week of October 26, 2000, was Criminal Court in Dauphin County for which the undersigned prepared for and tried several jury trials, as well as cases for disposition short of a jury trial.

8. The Respondents respectfully request an additional thirty (30) days within which to file its response to the petition for writ of habeas corpus.

WHEREFORE, the Respondents respectfully request that this Honorable Court grant the Respondents' motion to extend time within which to file its response to the petition for writ of habeas corpus. Said response shall be filed on or before November 23, 2000.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Francis Chardo".

Francis T. Chardo  
Chief Deputy District Attorney

VERIFICATION

I verify that the facts contained in the above pleading are true and correct to the best of my knowledge, information and belief. I understand the facts herein are verified subject to the penalties for unsworn falsification to authorities under Crimes Code, Section 4904 (18 Pa.C.S. §4904).

A handwritten signature in black ink, appearing to read "Francis T. Chardo", written over a horizontal line.

Francis T. Chardo  
Chief Deputy District Attorney

IN THE UNITED STATES DISTRICT COURT  
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JOE KING,  
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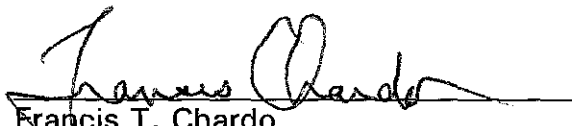
vs.

RAYMOND COLLERAN, Superintendent  
And ATTORNEY GENERAL OF  
PENNSYLVANIA,  
Respondents

CIVIL ACTION NO. 1:CV-00-1389  
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CERTIFICATE OF SERVICE

This is to certify that a copy of the Respondent's Motion to Extend Time in Which to File Its Response to the Petition for Writ of Habeas Corpus in the above-captioned matter was sent, on the below stated date, to the Petitioner, Joe King, CZ-9499, at the State Correctional Institution at Waymart, P.O. Box 256, Waymart, Pennsylvania 18472.

  
Francis T. Chardo  
Chief Deputy District Attorney  
Dauphin County Court House  
Front and Market Streets  
Harrisburg, Pennsylvania 17101  
(717) 255-2770  
Attorney for Respondents

Dated: October 24, 2000